

National Parks (Further Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The objectives of the Bill are

- (a) to implement recommended actions of the Land Conservation Council for the Mallee Area by creating two new parks and making additions to three parks; and
- (b) to make additions to the Point Nepean National Park; and
- (c) to make related amendments to the *National Parks Act 1975*.

NOTES ON CLAUSES

PART 1—PRELIMINARY

Clause 1 summarises the purposes of the Bill.

Clause 2 provides for commencement, as follows:

<i>Sub-clause Related Clauses</i>	<i>Date of Commencement</i>
(1) Part 2 (Murray-Sunset National Park)	Day to be proclaimed.
(2) Part 3 (Leaghur State Park)	Day to be proclaimed.
(3) Part 4 (Wyperfeld and Lake Albacutya Parks)	Day to be proclaimed.
(4) Sections 12 and 16 (2)	18 September 1988 Day on which Point Nepean National Park was proclaimed.
(5) Sections 13 and 14 (Point Nepean Park)	Day to be proclaimed.
(6) Section 16 (3) and (4)	2 December 1989 Day on which <i>National Parks (Alpine National Park) Act 1989</i> came into operation.
(7) Rest of Act	Day on which the Act receives Royal Assent.

Clause 3 provides that the *National Parks act 1975* is the Principal Act.

PART 2—MURRAY-SUNSET NATIONAL PARK

All of this Part i.e. clauses 4, 5 and 6 must be proclaimed on the one day as provided in clause 2 (1).

Clause 4 provides for two new sections to be inserted in the Principal Act.

Proposed new section 30D is for the protection of access rights to Murray-Sunset National Park.

Sub-section (1) relates to access to freehold land. This implements Recommendation A6 (vi), page 30, LCC Final Recommendations, Mallee Area.

Sub-section (2) relates to access to the gypsum mining site within the park. This also implements LCC Rec. A6 (vi).

Sub-section (3) allows the Minister to exempt a land-holder or the mining operation from the regulations for the purposes of access to their land.

Proposed new section 30E provides for change of name of Murray-Sunset National Park. This implements Note No. 5 to LCC Recommendation A6.

Sub-section (1) provides for consulting Aboriginal groups and approval of the Place Names Committee for a change of name to be recommended by the Minister.

Sub-section (2) empowers the Governor in Council to amend the Schedule in order to record a new name.

Clause 5 amends Schedule Two to insert reference to Murray-Sunset National Park, of 6330 square kilometres. This incorporates LCC recommendations National Park A6; Reference Areas C1, C2, C3, C6, C11, C12, C13, C14, C15, C16, C17, C18, C20; and Government additions at Rohan Lookout and Red Lake.

Clause 6 abolishes Pink Lakes State Park, 50 700 ha, which is incorporated in Murray-Sunset National Park.

PART 3—LEAGHUR STATE PARK

Provision for proclamation is in clause 2 (2).

Clause 7 amends Schedule Two B to insert reference to Leaghur State Park, 1580 ha. This is Recommendation A7, page 31, LCC Final Recommendations, Mallee Area.

PART 4—CHANGES TO WYPERFELD AND LAKE ALBACUTYA PARKS

All of this Part i.e. clauses 8, 9 and 10 must be proclaimed on the one day as provided in clause 2 (3). Transfer of land from Lake Albacutya to Wyperfeld is involved.

Clause 8 inserts proposed new section 32AF in the Principal Act, and provides for protection of access rights of freeholders in Wyperfeld National Park, along similar lines to provisions for Murray-Sunset National Park. This implements Recommendation A2–A4 (vi), page 22, LCC Final Recommendations, Mallee Area.

Clause 9 amends Part 25 of Schedule Two to increase the size of Wyperfeld National Park from 1000 square kilometres to 3237 square kilometres. This incorporates LCC Recommendations National Park, A1, A2, A3 and A4; Reference Areas C7, C8, C9, C21 and C22; and Education Area H1.

Clause 10 amends Part 8 of Schedule Three to vary the boundaries of Lake Albacutya Park, altered in size from 107 square kilometres to 8300 hectares. This implements LCC Mallee Area Recommendations A8 (existing park), A9 (additions) and A3 (a) (area taken out of Lake Albacutya and added to Wyperfeld).

PART 5—MURRAY-KULKYNE AND POINT NEPEAN PARKS

Clause 11 amends Part 11 of Schedule Three to increase the size of Murray-Kulkyne Park from 1550 ha to 3530 ha.

Clause 12 is a correction of a reference to the number of a plan lodged in the Central Plan Office. Clause 2 (4) backdates this reference to proclamation of the original provision.

Clause 13 amends Part 4 of Schedule Two to increase the area of Point Nepean National Park from 2450 ha to 2680 ha. This incorporates land purchased at Greens Bush.

Clause 14 suspends inclusion in the National Park of land referred to in clause 13 until completion of land dealings.

PART 6—GENERAL

Clause 15 extinguishes certain rights:

Sub-clause (1) is the usual provision for road closure and refers to roads specified on the relevant plans for the following parks:

- Part 4, Schedule Two, Point Nepean National Park
- Part 38, Schedule Two, Murray-Sunset National Park

Sub-clause (2) excises specified land included in parks from reserved forest for the following parks:

- Part 38, Schedule Two, Murray-Sunset National Park
- Part 34, Schedule Two B, Leaghur State Park
- Part 8, Schedule Three, Lake Albacutya Park
- Part 11, Schedule Three, Murray-Kulkyne National Park

Clause 16 and *Clause 17* are statute law corrections to the Principal Act. Under clause 2 (6), section 16 (3) and (4) are backdated to 2 December 1989.

